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WMMG 3545
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Jeffrey A. Martin et al.
Serial No. 10/059,564
Filed January 29, 2002
Confirmation No. 7937
For OPTIMUM DENSITY TERMITE BAIT COMPOSITION

Art Unit 3643

February 17, 2004

LETTER TO THE PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS,

SIR:

This is in response to the Office action of December 12, 2003.

REMARKS

The Examiner's adherence to the restriction requirement as being proper and final is noted. Applicants reserve the right to file divisional applications drawn to the subject matter of claims 9-24 which are withdrawn from further consideration as drawn to non-elected inventions/species.

Reconsideration is respectfully requested of the Examiner's rejection of claims 1-6 and 8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. It is respectfully submitted that claims 1-6 and 8 fully comply with the requirements of 35 U.S.C. 112, second paragraph, and that these claims are sufficiently definite.

In connection with this ground of rejection, the Examiner has asserted that it is unclear what is intended by the term "optimum" and that "one would not know how dense one could

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